

1 GUNTER WEISSMANN (In Pro Per)
2 13957 Hazel Drive
3 Lytle Creek, CA 92358
4 Phone: (909) 880-1000
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6 E-mail: weissmann.gunter@gmail.com

7 MARGOT ALVIDREZ (in Pro Per)
8 7425 Tamarind Ave
9 Fontana, CA 92336
10 Phone: (909) 822-6328
11 E-mail: creativemenus@yahoo.com

12 Plaintiffs In Pro Per

JFS
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
RIVERSIDE
BY:

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FILED

12 UNITED STATES DISTRICT COURT

13 CENTRAL DISTRICT OF CALIFORNIA

14 GUNTER WEISSMANN, an individual, and) Case No.:
15 MARGOT ALVIDREZ, an individual,)

16 Plaintiffs

ED CV 12 COMPLAINT 01977

VAP(DTBX)

17 JURY TRIAL DEMANDED

18 vs.

19 DANIELS, NORELLI, SCULLY & CECERE)
20 P.C., and DOES 1 through 10,)

21 Defendants.

22 SUMMARY OF COMPLAINT

23 S/21
24 1. Plaintiffs, Gunter Weissmann and Margot Alvidrez, hereby sue Defendants, Daniels,
25 Norelli Scully & Cecere P.C., and DOES 1 through 10 and allege:
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29 INTRODUCTION

30 2. The United States Congress has found abundant evidence of the use of abusive,
31 deceptive, and unfair debt collection practices by many debt collectors, and has determined that
32 abusive debt collection practices contribute to the number of personal bankruptcies, to marital
33 instability, to the loss of jobs, and to invasions of individual privacy. Congress wrote the Fair Debt
34 Collection Act.

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U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
RIVERSIDE
NOV 13 2012

1 Collection Practices Act, 15 U.S.C. § 1692 et seq. (hereinafter "FDCPA"), to eliminate abusive debt
2 collection practices by debt collectors, to insure that those debt collectors who refrain from using
3 abusive debt collection practices are not competitively disadvantaged, and to promote consistent State
4 action to protect consumers against debt collection abuses.

5 3. The California legislature has determined that the banking and credit system and
6 grantors of credit to consumers are dependent upon the collection of just and owing debts and that
7 unfair or deceptive collection practices undermine the public confidence that is essential to the
8 continued functioning of the banking and credit system and sound extensions of credit to consumers.
9 The Legislature has further determined that there is a need to ensure that debt collectors exercise this
10 responsibility with fairness, honesty and due regard for the debtor's rights and that debt collectors
11 must be prohibited from engaging in unfair or deceptive acts or practices.

12 4. The United States Congress has found abundant evidence of the use of abusive,
13 deceptive, and unwanted telephone solicitation (without express consent) by telemarketers and thus
14 Congress wrote the Telephone Consumer Protection Act 47 U.S.C. § 227 et seq. (hereinafter
15 "TCPA"), to regulate telemarketers, restrictions on the use of Automated Telephone Equipment, and
16 unwanted telephone solicitation (without express consent) to home telephones and cellular
17 telephones. The TCPA is a Federal Law that was consigned to states where private actions brought by
18 consumers be dealt with at the state court level. Recently, the U.S. Supreme Court, in a unanimously
19 January 18th, 2012 opinion in *Mims v. Arrow Financial Service, LLC*, No.10-1195, resolving a major
20 split among the various U.S. Circuit Courts of Appeal, has definitively ruled that private actions
21 brought by consumers seeking redress for violations of the TCPA maybe brought forth in Federal
22 District Court as well as state courts.

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Preliminary Statement

5. This is an action for damages brought for violations of the Telephone Consumer Protection Act (TCPA) 47 U.S.C. § 227(A)(B), the Rosenthal Act § 1788.11(c)(d)(e) and the Fair Debt Collection Practices Act (FDCPA) 15 U.S.C. § 1692 d,(5), §1692f(5), § 1692 g.
6. This is an action for damages which do not exceed \$10,000.

6. This is an action for damages which do not exceed \$10,000.

Jurisdiction

7. The jurisdiction of this Court is conferred by 15 U.S.C § 1681p, 47 U.S.C. § 227(b)(3), 15 U.S.C. § 1692k(d).

8. The Defendant, Daniels, Norelli Scully & Cecere P.C., is a New York Corporation and conducts business in the state of California, and therefore, jurisdiction is established.

Venue

9. Venue is proper pursuant to 15 U.S.C. § 1681 b, and 28 U.S.C. § 1391 b.

10. Venue in this District is proper in that the Plaintiffs reside here, the Defendants transact business here, and the conduct complained of occurred here.

Parties

11. Plaintiff, Gunter Weissmann, resides at 13957 Hazel Drive, Lytle Creek, CA 92358.

12. Plaintiff, Margot Alvidrez, resides at 7425 Tamarind Ave,

Fontana, CA 92336.

13. Defendant, Daniels, Norelli, Scully & Cecere P.C. is a foreign corporation and conducts business in the state of California from their Long Island Office at 1 Old Country Road, Suite LL%, Carle Place, NY 11514.

Statement of Facts

14. Plaintiffs and Defendants have no business relationship.

15. On October 10, 2012 Daniels, Norelli, Scully & Cecere P.C. placed an electronically

1 dialed collection call to Plaintiff at his, Gunter Weissmann's, cellular telephone number and left an
2 artificial voice message as defined in TCPA 47 U.S.C. § 227 et seq.

3 16. Defendant Daniels, Norelli, Scully & Cecere P.C.' actions of calling on Plaintiff's
4 Cellular telephone at inconvenient times or places is a violation of FDCPA 15 U.S.C. § 1692f(5)
5 because the consumer was not able to determine the "true purpose" of the call before incurring the
6 cell phone usage fees.

7 17. Because this violated certain portions of the federal Fair Debt Collection Practices Act
8 as these portions are incorporated by reference in the Rosenthal Fair Debt Collection Practices Act,
9 through California Civil Code § 1788.17, this conduct or omission violated Cal. Civ. Code § 1788.17.

10 18. This communication to Plaintiffs was a "communication" as that term is defined by
11 15 U.S.C. § 1692a(2), and an "initial communication" consistent with 15 U.S.C. § 1692g(a).

12 19. This communication was a "debt collection" as Cal. Civ. Code 1788.2(b) defines that
13 phrase, and an "initial communication" consistent with Cal. Civ. Code § 1812.700(b).

14 20. Defendant Daniels, Norelli, Scully & Cecere P.C. failed to provide Plaintiffs required
15 written notice of the debt within 5 days of "initial communication" as defined in 15 U.S.C.
16 § 1692g(a) thus violating 15 U.S.C. § 1692g(a).

17 21. On October 10, 2012 Daniels, Norelli, Scully & Cecere P.C. placed a 2nd
18 electronically dialed collection call to Plaintiff at his, Gunter Weissmann's, cellular telephone
19 number and left an artificial voice message as defined in TCPA 47 U.S.C. § 227 et seq.

20 22. Defendant Daniels, Norelli, Scully & Cecere P.C.' actions of calling on Plaintiff's
21 Cellular telephone at inconvenient times or places is a violation of FDCPA 15 U.S.C. § 1692f(5)
22 because the consumer was not able to determine the "true purpose" of the call before incurring the
23 cell phone usage fees.

24 23. Because this violated certain portions of the federal Fair Debt Collection Practices Act
25 as these portions are incorporated by reference in the Rosenthal Fair Debt Collection Practices Act,
26 through California Civil Code § 1788.17, this conduct or omission violated Cal. Civ. Code § 1788.17.

27 24. On October 10, 2012 Daniels, Norelli, Scully & Cecere P.C. placed a 3rd
28 electronically dialed collection call to Plaintiff at his, Gunter Weissmann's, cellular telephone
number and left an artificial voice message as defined in TCPA 47 U.S.C. § 227 et seq.

1 25. Defendant Daniels, Norelli, Scully & Cecere P.C.’ actions of calling on Plaintiff’s
2 Cellular telephone at inconvenient times or places is a violation of FDCPA 15 U.S.C. § 1692f(5)
3 because the consumer was not able to determine the “true purpose” of the call before incurring the
4 cell phone usage fees.

5 26. Because this violated certain portions of the federal Fair Debt Collection Practices Act
6 as these portions are incorporated by reference in the Rosenthal Fair Debt Collection Practices Act,
7 through California Civil Code § 1788.17, this conduct or omission violated Cal. Civ. Code § 1788.17.

8 27. On October 11, 2012 Daniels, Norelli, Scully & Cecere P.C. placed an electronically
9 dialed collection call to Plaintiff at his, Gunter Weissmann’s, cellular telephone number and left an
10 artificial voice message as defined in TCPA 47 U.S.C. § 227 et seq.

11 28. Defendant Daniels, Norelli, Scully & Cecere P.C.’ actions of calling on Plaintiff’s
12 Cellular telephone at inconvenient times or places is a violation of FDCPA 15 U.S.C. § 1692f(5)
13 because the consumer was not able to determine the “true purpose” of the call before incurring the
14 cell phone usage fees.

15 29. Because this violated certain portions of the federal Fair Debt Collection Practices Act
16 as these portions are incorporated by reference in the Rosenthal Fair Debt Collection Practices Act,
17 through California Civil Code § 1788.17, this conduct or omission violated Cal. Civ. Code § 1788.17.

18 30. On October 11, 2012 Daniels, Norelli, Scully & Cecere P.C. placed a 2nd
19 electronically dialed collection call to Plaintiff at his, Gunter Weissmann’s, cellular telephone
20 number and left an artificial voice message as defined in TCPA 47 U.S.C. § 227 et seq.

21 31. Defendant Daniels, Norelli, Scully & Cecere P.C.’ actions of calling on Plaintiff’s
22 Cellular telephone at inconvenient times or places is a violation of FDCPA 15 U.S.C. § 1692f(5)
23 because the consumer was not able to determine the “true purpose” of the call before incurring the
24 cell phone usage fees.

25 32. Because this violated certain portions of the federal Fair Debt Collection Practices Act
26 as these portions are incorporated by reference in the Rosenthal Fair Debt Collection Practices Act,
27 through California Civil Code § 1788.17, this conduct or omission violated Cal. Civ. Code § 1788.17.

28 33. On October 12th, 2012 Defendant Daniels, Norelli, Scully & Cecere P.C., placed a
collection call to Plaintiff, Gunter Weissmann, at his home telephone number and left an artificial or

1 prerecorded voice message as defined in TCPA 47 U.S.C. § 227 et seq.

2 34. On October 16, 2012 Daniels, Norelli, Scully & Cecere P.C. placed an electronically
3 dialed collection call to Plaintiff at his, Gunter Weissmann's, cellular telephone number and left an
4 artificial voice message as defined in TCPA 47 U.S.C. § 227 et seq.

5 35. Defendant Daniels, Norelli, Scully & Cecere P.C.' actions of calling on Plaintiff's
6 Cellular telephone at inconvenient times or places is a violation of FDCPA 15 U.S.C. § 1692f(5)
7 because the consumer was not able to determine the "true purpose" of the call before incurring the
8 cell phone usage fees.

9 36. Because this violated certain portions of the federal Fair Debt Collection Practices Act
10 as these portions are incorporated by reference in the Rosenthal Fair Debt Collection Practices Act,
11 through California Civil Code § 1788.17, this conduct or omission violated Cal. Civ. Code § 1788.17.

12 37. On October 10th, 2012 Defendant Daniels, Norelli, Scully & Cecere P.C., placed a
13 collection call to Plaintiff, Margot Alvidrez, at her home telephone number and left an artificial or
14 prerecorded voice message as defined in TCPA 47 U.S.C. § 227 et seq.

15 38. On October 10th, 2012 Defendant Daniels, Norelli, Scully & Cecere P.C., placed a
16 collection call to Plaintiff, Margot Alvidrez, at her home telephone number and left an artificial or
17 prerecorded voice message as defined in TCPA 47 U.S.C. § 227 et seq.

18 39. On October 11th, 2012 Defendant Daniels, Norelli, Scully & Cecere P.C., placed a
19 collection call to Plaintiff, Margot Alvidrez, at her home telephone number and left an artificial or
20 prerecorded voice message as defined in TCPA 47 U.S.C. § 227 et seq.

21 40. On October 11th, 2012 Defendant Daniels, Norelli, Scully & Cecere P.C., placed a
22 collection call to Plaintiff, Margot Alvidrez, at her home telephone number as defined in TCPA
23 47 U.S.C. § 227 et seq.

24 41. On October 11th, 2012 Defendant Daniels, Norelli, Scully & Cecere P.C., placed a
25 collection call to Plaintiff, Margot Alvidrez, at her home telephone number as defined in TCPA
26 47 U.S.C. § 227 et seq.

27 42. On October 15th, 2012 Defendant Daniels, Norelli, Scully & Cecere P.C., placed a
28 collection call to Plaintiff, Margot Alvidrez, at her home telephone number and left an artificial or
prerecorded voice message as defined in TCPA 47 U.S.C. § 227 et seq.

43. On October 15th, 2012 Defendant Daniels, Norelli, Scully & Cecere P.C., placed a collection call to Plaintiff, Margot Alvidrez, at her home telephone number as defined in TCPA 47 U.S.C. § 227 et seq.

44. On October 16th, 2012 Defendant Daniels, Norelli, Scully & Cecere P.C., placed a collection call to Plaintiff, Margot Alvidrez, at her home telephone number and left an artificial or prerecorded voice message as defined in TCPA 47 U.S.C. § 227 et seq.

45. On October 16th, 2012 Defendant Daniels, Norelli, Scully & Cecere P.C., placed a collection call to Plaintiff, Margot Alvidrez, at her home telephone number as defined in TCPA 47 U.S.C. § 227 et seq.

46. No less than 17 collection calls were placed from the 10th of October, 2012 thru the 16th of October, 2012 by the Defendants with some multiple calls placed on the same day with the intent to harass, oppress, or abuse the Plaintiffs in violation of 15 U.S.C. § 1692d and 15 U.S.C. § 1692f.

47. Because this violated certain portions of the federal Fair Debt Collection Practices Act as these portions are incorporated by reference in the Rosenthal Fair Debt Collection Practices Act, through California Civil Code § 1788.11(d)(c), this conduct or omission violated Cal. Civ. Code § 1788.11(d)(c).

Count 1

AS TO ALL NAMED DEFENDANTS

FAIR DEBT COLLECTION PRACTICES ACT (FDCPA)

15 U.S.C. § 1692 ET SEQ.

48. Plaintiffs repeat, re-alleges, and incorporates by reference, all other paragraphs.

49. The foregoing acts and omissions constitute numerous and multiple violations of the FDCPA, including but not limited to each and every one of the above- cited provisions of the FDCPA, 15 U.S.C. § 1692 et seq.

50. As a result of each and every violation of the FDCPA, Plaintiffs are entitled to any actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to \$1,000.00

1 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs, if any, pursuant to
2 15 U.S.C. § 1692k(a)(3) from each and every defendant, jointly and severally.

4 **Count 2**

5 **AS TO ALL NAMED DEFENDANTS**

6 **ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT (ROSENTHAL ACT)**

7 **CAL. CIV. CODE § 1788-1788.32**

8 51. Plaintiff repeats, re-alleges, and incorporates by reference, all other paragraphs.

9 52. The foregoing acts and omissions constitute numerous and multiple violations of the
10 Rosenthal Act, including but not limited to each and every one of the above-cited provisions of the
11 Rosenthal Act, Cal. Civ. Code §§ 1788-1788.32.

12 53. As a result of each and every violation of the Rosenthal Act, Plaintiff is entitled to any
13 actual damages pursuant to Cal. Civ. Code § 1788.30(a); statutory damages for a knowing or willful
14 violation in the amount up to \$1,000.00 pursuant to Cal. Civ. Code § 1788.30(b); and reasonable
15 attorney's fees and costs, if any, pursuant to Cal. Civ. Code § 1788.30(c) from each and every
16 defendant, jointly and severally.

17 **Count 3**

18 **AS TO NAMED DEFENDANT CENTRAL PORTFOLIO CONTROL, INC.**

19 **TELEPHONE COMMUNICATIONS ACT 47 U.S.C. § 227 ET SEQ.**

20 54. Plaintiff repeats, re-alleges, and incorporates by reference, all other paragraphs.

21 55. Defendant has demonstrated willful or knowing non-compliance with 47 U.S.C.
22 § 227(b)(1)(A) by calling the Plaintiff's number, which is assigned to a cellular telephone service.

23 56. The Plaintiff has never given the Defendant permission to call Plaintiff's cell phone.
24 Plaintiff is entitled to damages of \$1,500 per violation pursuant to 47 U.S.C. §227(b)(3)(B).

25 57. Plaintiff and Defendant do not have an established business relationship within the
26 meaning of 47 U.S.C. § 227.

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REQUEST FOR RELIEF

WHEREFORE, Plaintiffs demand that judgment be entered against each Defendant, jointly and severally, and Plaintiffs be awarded damages from each Defendant, as follows:

- An award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A);
- An award of costs of litigation and reasonable attorney's fees, if any, pursuant to 15 U.S.C. § 1692k(a)(3);
 - An award of statutory damages of \$1,000.00 pursuant to Cal. Civ. Code § 1788.30(b);
 - An award of costs of litigation and reasonable attorney's fees, if any, pursuant to Cal. Civ. Code § 1788.30(c).
- An award of statutory damages of \$1,500 per violation pursuant to 47 U.S.C. § 227(b)(3)(B).

58. Pursuant to the seventh amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury on all issues so triable as a matter of law.

DEMAND FOR JURY TRIAL

Plaintiffs hereby request a jury trial on all issues so triable as a matter of law.

DATED: November 11, 2012


Gunter Weissmann
In Pro Per

Margot Alvidrez
Margot Alvidrez
In Pro Per

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Virginia A. Phillips and the assigned discovery Magistrate Judge is David T. Bristow.

The case number on all documents filed with the Court should read as follows:

EDCV12- 1977 VAP (DTBx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

=====

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

Western Division
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

Southern Division
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

Eastern Division
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input checked="" type="checkbox"/>) GUNTER WEISSMANN, an individual, and MARGOT ALVIDREZ, an individual,	DEFENDANTS DANIELS, NORELLI, SCULLY & CECERE P.C., and DOES 1 through 10																		
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) GUNTER WEISSMANN, 13957 Hazel Drive, Lytle Creek, CA 92358 Phone: 909 880 1000 Fax: 909 697 2221 MARGOT ALVIDREZ, 7425 Tamarind Ave, Fontana, CA 92336, 909 822 6328	Attorneys (If Known)																		
II. BASIS OF JURISDICTION (Place an X in one box only.)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; padding-bottom: 10px;"> <input type="checkbox"/> 1 U.S. Government Plaintiff </td> <td style="width: 33%; padding-bottom: 10px;"> <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) </td> <td style="width: 33%; padding-bottom: 10px;"> <input checked="" type="checkbox"/> 1 Citizen of This State </td> <td style="width: 33%; padding-bottom: 10px;"> <input type="checkbox"/> 2 U.S. Government Defendant </td> <td style="width: 33%; padding-bottom: 10px;"> <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) </td> <td style="width: 33%; padding-bottom: 10px;"> <input type="checkbox"/> 2 Citizen of Another State </td> </tr> <tr> <td colspan="3" style="text-align: center; padding-top: 10px;"> <input checked="" type="checkbox"/> 1 Incorporated or Principal Place of Business in this State </td> <td colspan="3" style="text-align: center; padding-top: 10px;"> <input type="checkbox"/> 2 Incorporated and Principal Place of Business in Another State </td> </tr> <tr> <td colspan="3" style="text-align: center; padding-top: 10px;"> <input type="checkbox"/> 3 Foreign Nation </td> <td colspan="3" style="text-align: center; padding-top: 10px;"> <input type="checkbox"/> 6 </td> </tr> </table>	<input type="checkbox"/> 1 U.S. Government Plaintiff	<input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	<input checked="" type="checkbox"/> 1 Citizen of This State	<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<input type="checkbox"/> 2 Citizen of Another State	<input checked="" type="checkbox"/> 1 Incorporated or Principal Place of Business in this State			<input type="checkbox"/> 2 Incorporated and Principal Place of Business in Another State			<input type="checkbox"/> 3 Foreign Nation			<input type="checkbox"/> 6		
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<input type="checkbox"/> 3 Foreign Nation			<input type="checkbox"/> 6																
IV. ORIGIN (Place an X in one box only.)	<input checked="" type="checkbox"/> 1 Original Proceeding <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge																		
V. REQUESTED IN COMPLAINT: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.)																			
CLASS ACTION under F.R.C.P. 23: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			MONEY DEMANDED IN COMPLAINT: \$ 10,000																
VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)																			
Violations of 15 U.S.C. §1692 et seq., California Civil Code § 1788-1788.32 (Rosenthal Act), TCPA 47 U.S.C. § 227 et seq																			
VII. NATURE OF SUIT (Place an X in one box only.)																			
OTHER STATUTES <ul style="list-style-type: none"> <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes 	CONTRACT <ul style="list-style-type: none"> <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise 	TORTS <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding-bottom: 10px;"> PERSONAL INJURY <ul style="list-style-type: none"> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability </td> <td style="width: 50%; padding-bottom: 10px;"> PROPERTY <ul style="list-style-type: none"> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability </td> </tr> <tr> <td colspan="2" style="text-align: center; padding-top: 10px;"> BANKRUPTCY </td> </tr> <tr> <td colspan="2" style="text-align: center; padding-top: 10px;"> CIVIL RIGHTS </td> </tr> <tr> <td colspan="2" style="text-align: center; padding-top: 10px;"> IMMIGRATION </td> </tr> </table>	PERSONAL INJURY <ul style="list-style-type: none"> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability 	PROPERTY <ul style="list-style-type: none"> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability 	BANKRUPTCY		CIVIL RIGHTS		IMMIGRATION		PRISONER PETITIONS <ul style="list-style-type: none"> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/ Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY 	LABOR <ul style="list-style-type: none"> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act 							
PERSONAL INJURY <ul style="list-style-type: none"> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability 	PROPERTY <ul style="list-style-type: none"> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability 																		
BANKRUPTCY																			
CIVIL RIGHTS																			
IMMIGRATION																			

ED CV 12 - 01977 VAP

FOR OFFICE USE ONLY: Case Number: 01977 AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? No Yes
If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? No Yes
If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

(Check all boxes that apply)

- A. Arise from the same or closely related transactions, happenings, or events; or
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
 Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District: [*] SAN BERNARDINO	California County outside of this District; State, if other than California; or Foreign Country
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(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
 Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District: [*]	California County outside of this District; State, if other than California; or Foreign Country
	Nassau County, NY

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District: [*] SAN BERNARDINO	California County outside of this District; State, if other than California; or Foreign Country
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* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):  Date 11/11/2012

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

GUNTER WEISSMANN,
13957 Hazel Drive, Lytle Creek, CA 92358
Phone: 909 880 1000 Fax: 909 697 2221
MARGOT ALVIDREZ,
7425 Tamarind Ave, Fontana, CA 92336,
Phone: 909 822 6328

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

GUNTER WEISSMANN, an individual, and
MARGOT ALVIDREZ, an individual,

CASE NUMBER

v. ED CV

12 - 01977

VAP (DTBX)

Daniels Norelli, Scully & Cecere P.C.;
DOES 1 through 10,

DEFENDANT(S).

SUMMONS

TO: DEFENDANT(S): _____

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint amended complaint counterclaim cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, WEISSMANN; ALVIDREZ, whose address is P.O. Box 209, Lytle Creek, CA 92358. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

TERRY NAFISI

Clerk, U.S. District Court

Dated: NOV. 13 2012

By:

L. M. PERIN

Deputy Clerk

(Seal of the Court)

(1134)

[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3).]